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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

A.O., et al.,
Plaintiffs,
v.
KENNETH T. CUCCINELLI, et al.,
Defendants.

Case No. 19-CV-06151 SVK

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME TO
PRODUCE PRECERTIFICATION
DISCOVERY AND TO EXTEND CLASS
CERTIFICATION BRIEFING
SCHEDULE**

WHEREAS, in its Order Regarding Discovery Dispute dated June 30, 2020, Dkt. No. 77, the Court ordered Defendants to produce the *J.L.* class list in its entirety as to all persons whose petitions "are pending, approved, or denied," as well as "complete" attorney contact information and information regarding whether individuals on the *J.L.* class list with final orders of removal have been removed ("A.O. Court-Ordered Discovery").

STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND TIME TO PRODUCE PRECERTIFICATION DISCOVERY AND TO EXTEND CLASS CERTIFICATION BRIEFING SCHEDULE
CASE NO. 19-CV-06151-SVK

1 WHEREAS, the Court ordered Defendants to produce the *A.O.* Court-Ordered Discovery by July
2 6, 2020.

3 WHEREAS, Plaintiffs' Motion for Class Certification is currently due on July 30, 2020.

4 WHEREAS, counsel for Defendants represents that she misunderstood the status of the *J.L.* class
5 list at the time of the June 30, 2020 hearing and misinformed the Court that the *J.L.* class list is updated.
6 Counsel for Defendants represents that she was informed on July 1, 2020 that the *J.L.* class list has not
7 been updated to reflect the current status of each individual on the list; instead, USCIS represents that it
8 tracks the raw numbers of individuals whose petitions are currently pending, denied, or approved, but
9 does not include this tracked data in the *J.L.* class list.

10 WHEREAS, the Court also ordered Defendants to confirm whether any individuals who are
11 listed as having final orders of removal on the class list have, in fact, been removed and the date of
12 removal ("Removal Information"), and Defendants contend they cannot do this by July 6, 2020 because
13 the updated class list needs to be finalized.

14 WHEREAS, because of the time that USCIS contends it will need to include the current status
15 of each individual's SIJ petition and to provide the complete contact information of the individuals'
16 attorneys (or of the individuals, if they are *pro se*), Defendants contend they will be unable to produce
17 the *A.O.* Court-Ordered Discovery by July 6, 2020.

18 NOW, THEREFORE:

- 19 1. Defendants request that the Court extend the deadline to produce the *A.O.* Court-Ordered
20 Discovery until July 15, 2020. Plaintiffs do not oppose this request;
- 21 2. The parties have stipulated that Defendants shall produce all *A.O.* Court-Ordered
22 Discovery by July 15, 2020, including the Removal Information;
- 23 3. The parties request that the Court extend the deadlines for class certification briefing, in
24 light of the delays with respect to the *A.O.* Court-Ordered Discovery and burden on
25 Plaintiffs to contact individual attorneys (after Defendants provide contact information)
26 to:

27
28 STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND TIME TO PRODUCE PRECERTIFICATION DISCOVERY
AND TO EXTEND CLASS CERTIFICATION BRIEFING SCHEDULE
CASE NO. 19-CV-06151-SVK

- a. August 31, 2020: Deadline to File Motion for Class Certification
 - b. October 7, 2020: Deadline to Oppose Class Certification
 - c. November 2, 2020: Deadline to Reply in Further Support of Class Certification
4. If it is acceptable to the Court, the parties agree to keep the November 17, 2020 date for hearing on class certification reflected in the Court's June 8, 2020 Case Management Order (Dkt. No. 70).

Dated: July 5, 2020

Respectfully submitted,

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~~[PROPOSED]~~ ORDER

GOOD CAUSE APPEARING AND PURSUANT TO STIPULATION, Defendant shall produce the A.O. Court-Ordered Discovery, as ordered by the Court in its June 30, 2020 order (Dkt. No. 77), by July 15, 2020. Plaintiffs shall file their Motion for Class Certification by August 31, 2020; Defendants shall file their opposition brief to the motion for class certification by October 7, 2020; and Plaintiffs shall file their reply brief by November 2, 2020.

IT IS SO ORDERED.

DATED: July 6, 2020


HON. SUSAN VAN KEULEN
United States Magistrate Judge

STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND TIME TO PRODUCE PRECERTIFICATION DISCOVERY
AND TO EXTEND CLASS CERTIFICATION BRIEFING SCHEDULE
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